P.R. No. 5019/05
Presented by Shri Vijay Kaushal
dated 26/9/05

SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR(C.G.)

WRIT PETITION NO. 4980 /2005

UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

PETITIONER: Virendra Singh Tkhakur, s/o Awadh Singh Thakur, aged about 61 years, occupation service, Principal Govt. Higher Secondary School, Bhanbeda, Distric North Bastar Kanker (C.G.)

Versus

RESPONDENTS:
1. state of Chhattisgarh, through Secreatary, Department of Schedule Caste and Schedule Tribe Development D.K.S. Bhawan, Raipur
2. Deputy Secretary, Department of Schedule Caste and Schedule Tribe Development D.K.S. Bhawan, Raipur
3. Commissioner Tribal Development, Chhattisgarh Government, Raipur
4. Assistant Commissioner, Tribal Development, North Bastar, Kanker (C.G)

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(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4980 of 2005

Petitioner — Virendra Singh Thakur

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Alok Bakshi, Advocate for the petitioner.

Miss Deepali Pandey, Panel Lawyer for the respondents/State.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Principal in Govt. Higher Secondary School, Bhanbeda, District- North Bastar, Kanker was transferred to Basantala, District - Jashpur on the same terms and conditions vide impugned transfer order dated 6.9.2005 (Annexure P/1).
2. This Court vide interim order dated 7.10.2005 directed that the effect and operation of the impugned order shall remain stayed till the next date of hearing.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur